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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,809	02/08/2005	Satoshi Ohkawa	265519US2PCT	1566
22850	7590	05/12/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			BLOOM, NATHAN J	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			05/12/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/523,809	Applicant(s) OHKAWA ET AL.	
	Examiner NATHAN BLOOM	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34,36-47,49-60 and 62-82 is/are pending in the application.
- 4a) Of the above claim(s) 41-46,54-59 and 68-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-40,47-53 and 60-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/23/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicants' response to the last Office Action, filed on February 19th, 2010 has been entered and made of record.

Terminal Disclaimer

1. The terminal disclaimer filed on 11/16/2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 7327495 has been reviewed and is NOT accepted. The words "legal title" do not include common ownership as to equitable title (*see 1.37 CFR 1.3219(c)(3)*).

Response to Arguments/Amendments

2. Applicant's arguments as discussed in the interview and reiterated in the response filed 08/06/2009 with respect to the prior art rejection of claims 34, 36-40, 47, 49-53, 60, and 62-66 have been fully considered and are not persuasive. Examiner has provided a prior art and obvious type double patenting rejection based on the cited art and newly amended subject matter.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned

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with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 34 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 37 of U.S. Patent No. 7327195 in view of Pineau (US 2002/0181010).

5. Instant claim 37 of patent '495 encompasses the spatial filtering, resolution converting, and gamma correcting, and transmission (output processing and printing) of the image data limitations of the current application ('809), but '495 lacks the image storage limitation claimed in '809, and the transmission of the corrected image data over a LAN or network to an external apparatus. However, as evidenced by the teachings of Pineau in figure 1 (items 101 and 102), it was notoriously well known to one of ordinary skill in the art at the time of the invention to store image data prior to performing image processing steps. Furthermore, in paragraph 0080 the transmission of processed image data over an internet network to a printing to device has been taught by Pineau. It would have been obvious to modify the '495 image processing to include the necessary step (as taught by Pineau) of storing the image data in a storage device prior to image processing, and to replace the printer communication of '495 with a well known method of image and printer communication as taught by Pineau to perform the predictable result of printing a processed image that has been transferred over a network.

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 34, 36-40, 47, 49-53, 60, and 62-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamoto et al. (US 2002/0196470).

The applied reference has a common assignee and inventors with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Instant claim 34: An image data processing apparatus comprising:

an image data storing unit that stores image data; [*Kawamoto has taught the storage of image data in paragraph 0069 (MEM).*]

a spatial filter processing unit that applies spatial filter [*MTF correction filtering process (paragraph 0112).*] processing, in which a dynamic range for output is set wider than a dynamic range for input, to the image data stored in the image data storing unit by increasing the number

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of bits per pixel [*Increased from p to q .*], while maintaining image resolution [*m (dpi) is changed in the next step*]; [Paragraphs 0101-0109]

a resolution increase processing unit that applies resolution conversion processing for converting a present resolution into a resolution higher than the present resolution to the image data after the spatial filter processing by the spatial filter processing unit while returning the bits per pixel to its value prior to processing by the spatial filter processing unit; [Paragraphs 0111-0114, *MTF (spatial filtering) converts p bits to q bits and then the resolution processing increased m dpi to n dpi then reduces q bits to p bits ($q > p$, $n > m$).*]

a gamma correction unit that applies gamma correction processing to the image data after the resolution conversion processing by the resolution increase processing unit; and a [Paragraph 0115.]

a resolution reduction processing unit that applies resolution conversion processing for converting a present pixel density into a pixel density lower than the present pixel density to the image data after the processing by the gamma correction unit. [*Kawamoto has taught the processing and output of an image to an external device, and has further taught the reduction processing in figures 7B and 8B and the corresponding written disclosure, wherein the resolution is returned to the level of resolution prior to that of the resolution increase processing.*]

transmitting unit that sends the image data after the gamma correction processing by the gamma correction unit to an external apparatus [Paragraph 0106 – *output image sent to printer.*] over a LAN or internet network. [Paragraph 0065 describes the transmission of data over a LAN or telephone network (at least a LAN or internet network), paragraphs 0068 and 0073 describe

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the FCU and MFC and fax and multi-function controllers. Paragraph 0086 describes the transmission of the image data to be printed through the FCU or MFC to the print device, and thus has described the transmission using of the corrected image data over at least a LAN or internet network.]

Instant claim 37: The image data processing apparatus according to claim 34, further comprising a format converting unit that converts the image data to be sent by the transmitting unit into a general-purpose format that can be inspected in the external apparatus. *[Paragraphs 0120 and 0123 have taught the outputting of the image to a general output printer (the language implies a generic format).]*

Instant claim 38: The image data processing apparatus according to claim 34, wherein the resolution increase processing unit performs the resolution conversion processing only for a main scanning direction. *[Paragraph 0143]*

Instant claim 39: The image data processing apparatus according to claim 34, wherein the resolution increase processing unit performs resolution conversion processing for converting a resolution into a resolution obtained by multiplying the present resolution by an integer equal to or larger than two. *[Kawamoto has taught the increase of the resolution by at least two (paragraph 0132).]*

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Instant claim 40: The image data processing apparatus according to claim 34, wherein the resolution increase processing unit performs resolution conversion processing for converting image data with a resolution of 600 dpi into image data with a resolution of 1200 dpi.

[Paragraphs 0102-0104.]

Instant claims 47, 50-53, 60, and 63-67: As per the rejection above, Kawamoto has taught the apparatus (computer, scanner, and printer running stored program) and the corresponding method that it performs.

Instant claim 36: The image data processing apparatus according to claim 35, wherein the resolution reduction processing unit converts a resolution of the image data into a resolution before the resolution conversion processing by the resolution increase processing unit. *[See the discussion of claim 34.]*

Instant claims 49 and 62: As per the rejections above, Kawamoto taught the apparatus (computer, scanner, and printer running stored program) and the corresponding method that it performs.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Bloom whose telephone number is 571-272-9321. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le, can be reached on 571-272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

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obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/NATHAN BLOOM/
Examiner, Art Unit 2624

/Vu Le/
Supervisory Patent Examiner, Art Unit 2624